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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/981,510 | 10/17/2001 | Ryan Robertson | 035451-0143 | 6898 |
| 26371 | 7590 | 11/25/2005 | EXAMINER | |
| FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308 | | | FERGUSON, KEITH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2683 | |

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,510

Applicant(s)

ROBERTSON ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-22 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,2 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vainio et al. in view of Bayless et al., newly recited reference.

Regarding claim 1, Vainio et al. discloses a portable electronic device (radio telephone) (col. 2 lines 58-65),

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comprising: a housing (inherent, with telephones taught in fig. 1 number 1 and col. 2 lines 58-65); a processor supported by the housing (col. 3 lines 1-8); a memory (fig. 1 number 12) coupled to the processor (fig. 1 numbers 12 and 11), a communications transceiver (fig. 1 number 8 and 9) coupled to the processor (fig. 1), the transceiver configured to support voice conference calling between more than two parties (col. 1 lines 7-11 and col. 3 lines 12-52); and a program stored in the memory and running on the processor col. 3 line 62 through col. 4 line 51), the program configured to provide a user interface on the display (col. 5 lines 27-39), the user interface configured to display indicators representative of the parties on the conference call (col. 5 lines 27-39), the user interface including a hold area of the display configured to display indicators representative of the parties on hold (col. 1 lines 36-38). Vainio et al. differs from claim 1 of the present invention in that it do not disclose the user interface including a hold area of the display configured to display indicators representative of the parties on hold and an active area of the display configured to display indicators representative of the parties active on the conference call. Bayless et al. teaches a computer telephone system (fig. 1 number 10) that can be used on a portable computer (col. 21 lines 47-49), wherein a user interface including a hold area of the display configured to display indicators representative of the parties on hold (fig. 38 On Hold 5207) and an active area of the display configured to display indicators representative of the parties active on the conference call (fig. 38 Conf. 5107). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vainio et al. with the user interface including a hold area of the display configured to display indicators representative of the parties on hold and an active area of the display configured to display indicators representative of the parties active on the conference call in order to remind the user of the radio telephone that there are active participants that are on hold and to bring them back into the conference when needed, as taught by Bayless et al..

Regarding claim 2, Vainio et al. discloses an icon (hold instruction) configured to place at least one indicator representative of a party active on the conference call from the active area on hold (col. 1 line 37-39).

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Regarding claim 5, Vainio et al. discloses the user interface is configured to provide a plurality of user selectable options when a call is selected (col. 3 line 55 through col. 4 line 6).

Regarding claim 6, Vainio et al. discloses a save to address book option (phone book) (col. 4 lines 1-24).

Regarding claim 7, Vainio et al. discloses a private conversation (i.e. a conference group call with one of the participants for a selected group) option (col. 4 lines 5-26).

Regarding claim 8, Vainio et al. discloses a set redial reminder option (i.e. the participants names and numbers may be pulled up for conferencing) (col. 4 lines 1-23 and col. 5 lines 39-67).

Regarding claim 9, Vainio et al. differs from claim 9 of the present invention in that it not explicit disclose a disconnect call option. Bayless et al.. teaches a hangup option (fig. 38 number 402). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vainio et al. with a disconnect call option in order for the radio telephone to end a conference session with one of the participants, as taught by Bayless et al..

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vainio et al. in view of Bayless et al. as applied to claim 1 above and in further view of Pelletier.

Regarding claim 4, the combination of Vainio et al. and Bayless et al. differs from claim 4 of the present invention in that they do not disclose a call timer associated with the call indicators. Pelletier teaches a telephone set which may be alternatively used in a wireless telephone (figures 6 and 7) which displays a call timer associated with the call indicators

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(names and numbers) (paragraph 003, paragraph 0025 and paragraph 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Vainio et al. and Bayless et al. with a call timer associated with the call indicators in order for the radio telephone to determine how long a participant has been placed on hold, and the time of the conference, as taught by Pelletier.

Allowable Subject Matter

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach, suggest alone or in combination wherein the at least one indicator representative of a party active on the conference call from the active area is moved to the hold area.

8. Claims 10-22 are allowed.

9. The following is an Examiner's Statement of Reasons for Allowance:

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Upon close review of the claims, the prior art of record and applicants remarks in the Amendment After Final Rejection on page 6 line 16 through page 8 line 17, and page 11 line 15 through page 13 line 13 mailed October 24, 2005, it appears that the allowance of claims 10-22 is appropriate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
November 21, 2005

KEITH FERGUSON
PRIMARY EXAMINER
KH F